

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BETTE BENNETT,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. C20-5382-BHS

UNITED STATES' UNOPPOSED MOTION
TO RESUBMIT RECORDS TO
WASHINGTON SUPREME COURT

Noted for consideration:
December 12, 2022

The United States, through undersigned counsel, moves this Court to direct the clerk of the Western District of Washington to submit to the Washington State Supreme Court a new, sequentially paginated, certified copy of the relevant docket entries in this matter containing docket entries 3, 6, 7, 8, 9, 11, 20, 21, and 29. This request is unopposed.

On September 19, 2022, the Court directed the clerk to submit to the Washington Supreme Court Docket entries 1, 6, 8, 9, 20, and 29 as the record material to that Court's consideration of the questions certified for answer. Dkt. 32. It appears, however, that the public version of the Washington Supreme Court's papers in this case do not include docket entry 1, perhaps because it is the sealed version of the complaint filed in redacted form at docket entry 3.

1 The United States hopes to refer to docket entry 3 (the redacted version of the complaint) in
2 its briefing to the Washington Supreme Court. The United States also intends to refer to three
3 additional entries that have not been submitted to the Washington Supreme Court—docket entries
4 7, 11, and 21. The Washington Supreme Court has informed the United States that in order to make
5 these documents part of the record for the proceedings concerning the certified questions, it should
6 move this Court to direct the clerk for the Western District of Washington to submit them to the
7 Washington Supreme Court.

8 If this Court directs submission of these additional docket entries, the United States
9 believes it would be helpful to the Washington Supreme Court if the clerk of this Court were to
10 sequentially paginate the certified records it submits. Compiling the docket entries in a single,
11 sequentially paginated document would make it possible for the parties and the court to refer to the
12 record without repeatedly citing the case number and individual docket entries.

13 The United States thus requests that this Court direct the clerk to resubmit the record on
14 certification to the Washington Supreme Court as a single, sequentially paginated document
15 containing the following docket entries, which is the list of the docket entries previously submitted
16 and the new ones the government is asking the Court to transmit, substituting docket entry 3 for
17 docket entry 1: docket entries 3, 6, 7, 8, 9, 11, 20, 21, and 29.

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1 DATED this 12th day of December, 2022.

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3 Respectfully submitted,

4 NICHOLAS W. BROWN
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ORDER

IT IS HEREBY ORDERED that the Clerk of the Court is directed to resubmit to the Washington Supreme Court certified copies of this order; a copy of the docket in this matter; and docket entries 3, 6, 7, 8, 9, 11, 20, 21, and 29, compiled with sequential pagination.

Dated this 13th day of December, 2022.



BENJAMIN H. SETTLE

United States District Judge

Presented By:

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